

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>HERBERT L. CAMPBELL,</b>	)	<b>CASE NO. 4:13CV3102</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>FRED BRITTEN, et al,</b>	)	
	)	
<b>Respondent.</b>	)	

This matter is before the court on Petitioner’s “Motion for Evidentiary Hearing and Brief.” (Filing No. [6](#).) Liberally construed, Petitioner moves the court for a hearing on the court and clerk’s office’s failure to construe a particular document as a notice of intent to appeal to be filed in Case Number 4:12CV3257. Because the document has now been filed as a notice of appeal in Case Number 4:12CV3257 as of the date it was first received, no hearing on the issue is necessary. (See Filing No. [4](#) (directing the clerk’s office to file the materials found at Filing Number 1 as a notice of appeal in 4:12CV3257).)

IT IS THEREFORE ORDERED that: Petitioner’s Motion for Evidentiary Hearing and Brief (Filing No. [6](#)) is denied. The clerk’s office is directed to mail to Petitioner a copy of the Docket Sheet in Case Number 4:12CV3257.

DATED this 12<sup>th</sup> day of June, 2013.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge

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